

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

CHAUNCEY PARKER,

Plaintiffs,

CASE NO. CV-F-05-0270 REC DLB

ORDER VACATING FINDINGS
AND RECOMMENDATION

ORDER ADMINISTRATIVELY
CLOSING ACTION

vs.

FOSTER FARMS DAIRY, et al.,

Defendants.

Plaintiff is proceeding pro se with a civil action concerning employment discrimination in this Court. On February 24, 2005, the Court issued an Order directing plaintiff to file a second amended complaint within 30 days. The Court also ordered plaintiff to file a completed application to proceed in forma pauperis or pay the required filing fee within 30 days. On March 31, 2005, the Court granted Plaintiff's request for an extension of time to file the second amended complaint. On May 11, 2005, the Court granted a second request for a 30-day extension of time to file the second amended complaint. Under the impression that plaintiff failed to comply with the Order, the Court issued a recommendation on August 1, 2005 to dismiss the action based on plaintiff's failure to comply with the Court's order. However, review of the Court's docket reveals that plaintiff filed an amended complaint and application to proceed in forma pauperis as ordered by the Court on June 10, 2005. However, the Clerk

1 inadvertently opened a new file 05-0748 AWI LJO. Accordingly, the Findings and Recommendation
2 issued August 1, 2005 is HEREBY VACATED and this action is administratively closed. This case
3 shall proceed under case number 05-0748 AWI LJO.

4 IT IS SO ORDERED.

5 **Dated: September 7, 2005**
6 3b142a

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE